UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105-3901

MAR 2 8 2016

Wayne Lorentzen
DTSC Permitting Division
8800 Cal Center Drive
Sacramento, California 95826

Re: EPA Comments on the draft Closure Plan for the Exide Technologies Battery Recycling Facility at 2700 South Indiana Street in Vernon, CA

Dear Mr. Lorentzen:

The U.S. Environmental Protection Agency ("EPA") is submitting comments on the draft Closure Plan for the Exide Technologies ("Exide") Battery Recycling Facility ("Facility") in Vernon, CA public noticed by the California Department of Toxic Substances Control ("DTSC"). The Closure Plan describes how Exide will clean and deconstruct the Facility which had been in operation for over 90 years and was most recently responsible for secondary lead recycling. As the delegated lead for the Resource Conservation and Recovery Act ("RCRA") program in California, DTSC is the RCRA regulatory authority for the Facility, and EPA is providing the enclosed comments as part of our oversight of the delegated RCRA program. Our comments are being provided prior to the close of the public comment period on March 28, 2016.

EPA reviewed the main text of the draft Closure Plan and several of its appendices to identify opportunities for improvements to the Plan and to increase the Plan's enforceability. Although the draft Closure Plan is comprehensive, it relies significantly on information contained within its appendices. To enhance understanding of the Plan's main components, EPA recommends that more information be included within the main text of the Closure Plan.

EPA intends to remain involved in overseeing RCRA requirements at Exide as part of our continued engagement in the overall activities at Exide. If you have any questions about these comments, please contact Barbara Gross at (415) 972-3972 gross.barbara@epa.gov, Omer Shalev at (415) 972-3538 shalev.omer@epa.gov or Nathan Dadap at (415) 972-3654 dadap.nathan@epa.gov.

Sincerely,

Tom Huetteman
Associate Director, Land Division

cc/with Enclosure:
Suhasini Patel, DTSC

Enclosure: U.S. Environmental Protection Agency ("EPA") Comments on the Draft Closure Plan for Exide Technologies ("Closure Plan") in Vernon, California

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U.S. Environmental Protection Agency ("EPA") Comments on the Draft Closure Plan for Exide Technologies ("Closure Plan") in Vernon, California

EPA has reviewed the draft closure plan for the Exide Technologies Battery Recycling Facility at 2700 South Indiana Street in Vernon, CA. EPA is providing comments to the CA Department of Toxic Substances Control ("DTSC") during the public comment period which concludes on March 28, 2016.

Significant Comments

1. Compliance with 22 CCR 66265.280

Although the Closure Plan is comprehensive, it is unclear that it considers the specific information required by 22 CCR 66265.280. 22 CCR 66265.280(b) and (c), represent a minimum list of criteria that the owner or operator must either address or consider during closure and post-closure care. EPA was unable to confirm during its review that the Closure Plan considers "Geological and soil profiles and surface and subsurface hydrology of the site, and *soil characteristics, including cation exchange capacity*, total organic carbon, and pH" 40 CFR 265.280(b)(5) (emphasis added).

2. Section 1.2 Closure and Corrective Action (Page 1-3)

It is unclear why soil excavation is limited to 5 feet when there are known impacts beyond that depth, for example below the surface impoundment. A justification should be provided for how this level was determined. Section 1.2 states, "The reasonable worst case assumes up to 5 feet of soil excavation and removal will be performed beneath all former IS units." As noted in 22 CCR 66265.280(b)(7), at a minimum, an owner or operator must consider the type, concentration, and depth of migration of hazardous waste constituents in the soil as compared to their background concentrations in addressing the closure.

3. Section 1.3.3 Contractor (Page 1-4)

The Closure Plan should emphasize detailed and stringent qualifications for the contractor Exide must retain to implement activities in the Closure Plan. The Closure Plan should be revised to reflect that more specific qualifications are required and that the Contractor retained for Phase 1 activities should be subject to DTSC approval. For example, Section 1.3.3 should include requirements that the Contractor be experienced in the demolition of large industrial facilities implemented, contamination mitigation measures and controls, and have prior experience conducting significant environmental remediation projects of similar size and scope.

Since there is significant community interest in the closure activities at this facility, we recommend extensive outreach and communication activities during Phase 1 and that the contractor will conduct or assist with ongoing public outreach as part of all closure activities.

4. Sections 2.8.3.3, 3.4.6.6, and 3.11 Erosion and Sediment Controls (Pages 2-32, 3-42, and 3-50)

Although stormwater is captured and treated, erosion and sediment control measures should be implemented onsite as soon as possible rather than waiting until Phase 2 implementation.

5. Section 3.5 Engineering Controls Page (Page 3-43)

In order to emphasize the important Engineering Controls that Exide must follow in order to reduce potential impacts to human (including worker) health and the environment from closure activities at the facility site, the Closure Plan should include critical information that is currently

only in Appendix G. The following examples are located in Appendix G and should be in the Closure Plan:

1) The air handling equipment at all temporary and existing total enclosures shall maintain a negative pressure of at least 0.02 mm of Hg (0.011 inches of H_2O). Measurements will be conducted using the existing monitoring system or a temporary monitoring system. (see Pages 3-2 and 3-3 of Appendix G)
2) If observing personnel note an increase in concentration of 50$\mu g/m^3$ or more of PM_{10}, using DustTrak devices, above background averaged over a minute and measured every 15 minutes at a location near the activity that is being conducted in conjunction with visual observation and experience, they shall direct work stoppage and then direct adjustments in the work practices and/or the applied control measures as appropriate. (see Page 3-26 of Appendix G)
3) Exide will retain a third party consultant to oversee implementation of engineering controls for liquid infiltration. (see Page 4-1 of Appendix G)

The third party consultant under 3) should be subject to DTSC approval.

6. Section 16.3.3 Soil Removal and Management (Page 16-5)

Although Phase 2 work is scheduled for future implementation, the description of confirmation sampling is not sufficient to "approve" this section of the Closure Plan. The Closure Plan should require that Phase 2 activities, such as characterization and confirmation sampling, be submitted for DTSC review and approval prior to Phase 2 implementation.

Improving Closure Plan Enforceability

1. Section 1.3.6 Regulatory Agencies and Agency Oversight (Page 1-6)

Since the facility is under an Industrial Stormwater NPDES permit and will need a General Construction Stormwater NPDES permit for Phase 2, the Regional Water Quality Control Board should be included in this list of regulatory agencies.

2. Section 2.8.3.3 Stormwater System and Surface Impoundment Sediment (Page 2-31)

This section should specify which chemicals of concern will be analyzed and why.

3. Section 3.4.2.2 Notification Rule 1420.1 (Page 3-35)

In order to increase the transparency of Exide's requirements to comply with South Coast Air Quality Management District Rule 1420.1, specific emission limits should be included in the Closure Plan. The following statement from Appendix H (page 2) would identify the specific lead and arsenic limits: "Ambient air concentration shall not exceed 0.150 $\mu g/m^3$ lead averaged over any 30 consecutive days and 10.0 nanograms per cubic meter. (ng/m^3) arsenic averaged over a 24-hour time period. From January 1, 2016 to December 31, 2016, the ambient air concentration for lead shall not exceed 0.110 $\mu g/m^3$ averaged over any 30 consecutive days. On and after January 1, 2017 the ambient air concentration for lead shall not exceed 0.100 $\mu g/m^3$ averaged over any 30 consecutive days."

General Comments

1. Section 1.4 Meetings (Page 1-8)

The Closure Plan does not describe community engagement activities such as public meetings. Given the site history, environmental justice concerns, and community interest in the facility, the Closure Plan should consider proactively engaging with the community.

2. Section 3.1.2.1 Recent Operations (Page 3-7)

It is unclear what is meant by the unit measurement of "100,000 to 120,000 tons of lead per year of batteries."

3. Section 3.12 Maintenance (Page 3-50)

Specific examples of regular maintenance procedures should be included to increase the ability of DTSC to enforce the requirement for regular maintenance and housekeeping activities.

4. Section 16.6 Surface Impoundment Restoration (Page 16-10)

The plan should note the factors that would require the facility to obtain a NPDES Stormwater Discharge permit for Phase 2. In addition, the new side-slope for the impoundment should be submitted for DTSC approval.

5. Section 17.0 Closure Implementation Schedule (Page 17-1)

The Closure Plan schedule for Phase 1 implementation in Appendix F assumes the lead product remaining inside the kettles at the facility will be melted and ultimately removed. However, as alternatives are still being evaluated for the removal of lead product from the kettles, it should be noted in Section 17 that Phase 1 implementation may take longer if a different alternative proposed in the draft Environmental Impact Report is selected.